

IMO

ASSEMBLY - 18th session
Agenda item 11

Resolution A.739(18)
Adopted on 4 November 1993

GUIDELINES FOR THE AUTHORIZATION OF ORGANIZATIONS
ACTING ON BEHALF OF THE ADMINISTRATION

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECOGNIZING the importance of ships being in compliance with the provisions of relevant international conventions, such as SOLAS 74, Load Lines 66, MARPOL 73/78 and STCW 78, to ensure prevention of maritime casualties and marine pollution from ships,

NOTING that the Administrations are responsible for taking necessary measures to ensure that ships flying their States' flags comply with the provisions of such conventions, including surveys and certification,

NOTING FURTHER that, under regulation 1/6 of the 1974 SOLAS Convention and regulation 4 of Annex I and regulation 10 of Annex 11 of MARPOL 73/78, the Administration may entrust the inspections and surveys to nominated surveyors or recognized organizations and further that the Administration shall notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations,

DESIRING to develop uniform procedures and a mechanism for the delegation of authority to, and the minimum standards for, recognized organizations acting on behalf of the Administration, which would assist flag States in the uniform and effective implementation of the relevant IMO conventions,

HAVING CONSIDERED the recommendations made by the Maritime Safety Committee at its sixty-second session and by the Marine Environment Protection Committee at its thirty-fourth session,

1 . ADOPTS the Guidelines for the Authorization of Organizations Acting on Behalf of the Administration, set out in the annex to the present resolution;

2. URGES Governments as soon as possible to:

(a) apply the said Guidelines; and

- (b) review the standards of already recognized organizations in the light of the Minimum Standards for Recognized Organizations Acting on Behalf of the Administration set out in appendix 1 to the annex to the present resolution;
- 3. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee:
 - (a) to review the Guidelines and Minimum Standards with a view to improving them as necessary;
and
 - (b) to develop, as a matter of urgency, detailed specifications on the precise survey and certification functions of recognized organizations;
- 4. REQUESTS the Secretary-General to collect from Member Governments information on the implementation of the present resolution.

ANNEX

GUIDELINES FOR THE AUTHORIZATION OF ORGANIZATIONS
ACTING ON BEHALF OF THE ADMINISTRATION**GENERAL**

1 Under the provisions of regulation I/6 of SOLAS 74, article 13 of Load Lines 66, regulation 4 of Annex I and regulation 10 of Annex 11 of MARPOL 73/78 and article 6 of Tonnage 69, many flag States authorize organizations to act on their behalf in the surveys and certification and determination of tonnages as required by these conventions.

2 Control in the assignment of such authority is needed in order to promote uniformity of inspections and maintain established standards. Therefore, any assignment of authority to recognized organizations should:

- .1 determine that the organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the Minimum Standards for Recognized Organizations Acting on Behalf of the Administration set out in appendix 1;
- .2 have a formal written agreement between the Administration and the organization being authorized which should as a minimum include the elements as set out in appendix 2 or equivalent legal arrangements;
- .3 specify instructions detailing actions to be followed in the event that a ship is found not fit to proceed to sea without danger to the ship or persons on board, or presenting unreasonable threat of harm to the marine environment;
- .4 provide the organization with all appropriate instruments of national law giving effect to the provisions of the conventions or specify whether the Administration's standards go beyond convention requirements in any respect; and
- .5 specify that the organization maintains records which can provide the Administration with data to assist in interpretation of convention regulations.

VERIFICATION AND MONITORING

3 The Administration should establish a system to ensure the adequacy of work performed by the organizations authorized to act on its behalf. Such a system should, *inter alia*, include the following items:

- .1 Procedures for communication with the organization
- .2 Procedures for reporting from the organization and processing of reports by the Administration
- .3 Additional ship's inspections by the Administration

- .4 The Administration's evaluation/acceptance of the certification of the organization's quality system by an independent body of auditors recognized by the Administration
- .5 Monitoring and verification of class-related matters, as applicable.

Appendix 1**MINIMUM STANDARDS FOR RECOGNIZED ORGANIZATIONS
ACTING ON BEHALF OF THE ADMINISTRATION**

An organization may be recognized by the Administration to perform statutory work on its behalf subject to compliance with the following minimum conditions for which the organization should submit complete information and substantiation.

General

- 1 The relative size, structure, experience and capability of the organization commensurate with the type and degree of authority intended to be delegated thereto should be demonstrated.
- 2 The organization should be able to document extensive experience in assessing the design, construction and equipment of merchant ships and, as applicable, their safety-management system.

Specific provisions

- 3 For the purpose of delegating authority to perform certification services of a statutory nature in accordance with regulatory instruments which require the ability to review applicable engineering designs, drawings, calculations and similar technical information to technical regulatory criteria as dictated by the Administration and to conduct field survey and inspection to ascertain the degree of compliance of structural and mechanical systems and components with such technical criteria, the following should apply:
 - .1 The organization should provide for the publication and systematic maintenance of rules and/or regulations in the English language for the design, construction and certification of ships and their associated essential engineering systems as well as the provision of an adequate research capability to ensure appropriate updating of the published criteria
 - .2 The organization should allow participation in the development of its rules and/or regulations by representatives of the Administration and other parties concerned.
 - .3 The organization should be established with:
 - .3.1 a significant technical, managerial and support staff, catering also for capability of developing and maintaining rules and/or regulations; and
 - .3.2 a qualified professional staff to provide the required service representing an adequate geographical coverage and local representation as required.

- .4 The organization should be governed by the principles of ethical behavior, which should be contained in a Code of Ethics and as such recognize the inherent responsibility associated with a delegation of authority to include assurance as to the adequate performance of services as well as the confidentiality of related information as appropriate.
- .5 The organization should demonstrate the technical, administrative and managerial competence and capacity to ensure the provision of quality services in a timely fashion.
- .6 The organization should be prepared to provide relevant information to the Administration.
- .7 The organization's management should define and document its policy and objectives for, and commitment to, quality and ensure that this policy is understood, implemented and maintained at all levels in the organization.
- .8 The organization should develop, implement and maintain an effective internal quality system based on appropriate parts of internationally recognized quality standards no less effective than ISO 9000 series, and which, *inter alia*, ensures that:
 - .8.1 the organization's rules and/or regulations are established and maintained in a systematic manner;
 - .8.2 the organization's rules and/or regulations are complied with;
 - .8.3 the requirements of the statutory work for which the organization is authorized, are satisfied;
 - .8.4 the responsibilities, authorities and interrelation of personnel whose work affects the quality of the organization's services are defined and documented;
 - .8.5 all work is carried out under controlled conditions;
 - .8.6 a supervisory system is in place which monitors the actions and work carried out by the organization;
 - .8.7 a system for qualification of surveyors and continuous updating of their knowledge is implemented;
 - .8.8 records are maintained, demonstrating achievement of the required standards in the items covered by the services performed as well as the effective operation of the quality system; and
 - .8.9 a comprehensive system of planned and documented internal audits of the quality-related activities in all locations is implemented.

- .9 The organization should be subject to certification of its quality system by an independent body of auditors recognized by the Administration.

4 For the purpose of delegating authority to perform certification services of a statutory nature in accordance with regulatory instruments which require the ability to assess by audit and similar inspection of the relevant safety-management system attributes of shore-based ship management entities and shipboard personnel and systems, the following should, in addition, apply:

- .1 the provision and application of proper procedures to assess the degree of compliance of the applicable shore-side and shipboard safety-management systems;
- .2 the provision of a systematic training and qualification regime for its professional personnel engaged in the safety-management system certification process to ensure proficiency in the applicable quality and safety-management criteria as well as adequate knowledge of the technical and operational aspects of maritime safety management; and
- .3 the means of assessing through the use of qualified professional staff the application and maintenance of the safety-management system, both shore-based as well as on board ships, intended to be covered in the certification.

Appendix 2

ELEMENTS TO BE INCLUDED IN AN AGREEMENT

A formal written agreement or equivalent between the Administration and the recognized organization should, as a minimum, cover the following items:

- 1 Application
- 2 Purpose
- 3 General conditions
- 4 The execution of functions under authorization
 - .1 Functions in accordance with the general authorization
 - .2 Functions in accordance with special (additional) authorization
 - .3 Relationship between the organization's statutory and other related activities
 - .4 Functions to co-operate with port States to facilitate the rectification of reported port State control deficiencies or the discrepancies within the organization's purview.
- 5 Legal basis of the functions under authorization
 - .1 Acts, regulations and supplementary provisions
 - .2 Interpretations
 - .3 Deviations and equivalent solutions
- 6 Reporting to the Administration
 - .1 Procedures for reporting in the case of general authorization
 - .2 Procedures for reporting in the case of special authorization
 - .3 Reporting on classification of ships (assignment of class, alterations and cancellations), as applicable
 - .4 Reporting of cases where a ship did not in all respects remain fit to proceed to sea without danger to the ship or persons on board or presenting unreasonable threat of harm to the environment
 - .5 Other reporting

7 Development of rules and/or regulations - Information

- .1 Co-operation in connection with development of rules and/or regulations - liaison meetings
- .2 Exchange of rules and/or regulations and information
- .3 Language and form

8 Other conditions

- .1 Remuneration
- .2 Rules for administrative proceedings
- .3 Confidentiality
- .4 Liability
- .5 Financial responsibility
- .6 Entry into force
- .7 Termination
- .8 Breach of agreement
- .9 Settlement of disputes
- .10 Use of sub-contractors
- .11 Issue of the agreement
- .12 Amendments

9 Specification of the authorization from the Administration to the organization

- .1 Ship types and sizes
- .2 Conventions and other instruments, including relevant national legislation
- .3 Approval of drawings
- .4 Approval of material and equipment
- .5 Surveys

- .6 Issuance of certificates
- .7 Corrective actions
- .8 Withdrawal of certificates
- .9 Reporting

10 The Administration's supervision of duties delegated to the organization

- .1 Documentation of quality-assurance system
 - .2 Access to internal instructions, circulars and guidelines
 - .3 Access by the Administration to the organization's documentation relevant to the Administration's fleet
 - .4 Co-operation with the Administration's inspection and verification work
 - .5 Provision of information and statistics on, e.g., damage and casualties relevant to the Administration's fleet
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